APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,067	01/18/2001	Gavin Brebner	B-4081 618511-7	6752

7590 10/15/2004	EXAMINER	
Richard P. Berg	NGUYEN, DUSTIN	
c/o Ladas & Parry	ART UNIT	PAPER NUMBER
21st Floor	2154	
5670 Wilshire Boulevard		
Los Angeles, CA 90036	DATE MAILED: 10/15/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/765,067	BREBNER, GAVIN
	Examiner	Art Unit
	Dustin Nguyen	2154

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 July 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1 – 25 are presented for examination.

Response to Arguments

2.   As per remarks concerning an imbedded hyperlink, the disclosure remains objected. For

further explanation of the objection, please see section 608.01 of the MPEP.

3.   As per remarks concerning lack of antecedent basis of claim 15, nowhere in claims that

claim 15 depends on disclose a computer program product [note, claims 11 and 12 disclose

program code elements, not computer program product].

Specification————— —

4.   The disclosure is objected to because it contains an embedded hyperlink and/or other

form of browser-executable code, on page 10, line 5; and page 11, line 2. Applicant is required to

delete the embedded hyperlink and/or other form of browser-executable code. See MPEP §

608.01.

Claim Objections

5.   The claim 16 is objected to because they include reference characters which are not

enclosed within parentheses [DMI, WMI].

Reference characters corresponding to elements recited in the detailed description of the

drawings and used in conjunction with the recitation of the same element or group of elements in

the claims should be enclosed within parentheses so as to avoid confusion with other numbers or

characters which may appear in the claims. See MPEP § 608.01(m).

Double Patenting

6.   The nonstatutory double patenting rejection is based on a judicially created doctrine
grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or
improper timewise extension of the "right to exclude" granted by a patent and to prevent possible
harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed.
Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686
F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA
1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).
      A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to
overcome an actual or provisional rejection based on a nonstatutory-double patenting ground
provided the conflicting application or patent is shown to be commonly owned with this
application. See 37 CFR 1.130(b).
      Effective January 1, 1994, a registered attorney or agent of record may sign a terminal
disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37
CFR 3.73(b).

7.   Claims 1-25 are provisionally rejected under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over claims 1-17 of copending

Application No. 09/765,049 [hereinafter '049 application], and claims 1-20 of copending

Application No. 09/993,979 [hereinafter '979 application]. Although the conflicting claims are

not identical, they are not patentably distinct from each other because of the following reasons:

Taking claim 1 as an exemplary claim, the '049 and '979 applications contain the subject matter claimed in the instant application. As per claim 1, all applications are claiming common subject matter, as follows:

Process of assisting a transaction ..., comprising:

receiving an abstract request ...;

analyzing said abstract request ...;

constructing an aggregated request ...;

transmitting ...;

receiving the answer ....

The claim of '049 and '979 applications do not specifically state the abstract and aggregated requests as described in the claim 1 of the instant application but it would have been obvious to a person skill in the art to recognize that the claims are similar because all three applications are used to provide related services to users with considering of using user's references or system profiles in the requests and responses.

As per independent claims 10, 11, 16, 17, 18, and 25, they are also directed to the same subject matter recited in claim 1 above. Accordingly, they are provisionally rejected under the judicially created doctrine of obviousness-type double patenting.

As per dependent claims 2-9, 12-15, 19-24 of the instant application, they contain similar subject matter as the claims of '049 and '979 applications. Accordingly, they are provisionally rejected under the judicially created doctrine of obviousness-type double patenting.

This is a provisional obviousness-type double patenting rejection because the conflicting

claims have not in fact been patented.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 2, 11-15, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

    A.   The following terms lack antecedent basis:

        I.   said profile   -   claim 2

        II.   a computer program product   -   claim 15.

    B.   The claim language of claims 11-15, 17, is not clearly understood since it is not

defining whether it is a method/process or product.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 1-4, 6-15, 17-21, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. [US Patent No 6,578,142], in view of Christianson et al. [US Patent No 6,102,969].

12.   As per claim 1, Anderson discloses the invention substantially as claimed including. process for assisting a transaction between an user and at least one remote server, the or each remote server being prepared to process at least one predetermined command, said process comprising:

analyzing said abstract request [col 1, lines 19-27] and mapping it to a corresponding one of said remote server [i.e. access a predetermined web site] [col 3, lines 32-34] and to one of said predetermined command [i.e. short cuts of bookmarks] [col 9, lines 3-9; and col 10, lines 60-63];

constructing an aggregating request based on said mapped command, enriched with data extracted from a local profile [col 5, lines 14-21];

transmitting said aggregated request to said corresponding server [col 5, lines 26-38];

receiving the answer from said corresponding server and displaying the answer to the user for completing the transaction [col 5, lines 25-27].

Anderson does not specifically disclose

receiving an abstract request formulated at a client computer and containing incomplete information identifying a potential transaction;

Christianson discloses

receiving an abstract request formulated at a client computer [col 3, lines 8-11; and col 4,

lines 42-44] and containing incomplete information identifying a potential transaction [col 2,

lines 58-61; and col 3, lines 12-17].

It would have been obvious to a person skill in the art at the time the invention was made

to combine the teaching of Anderson and Christianson because Christianson's teaching would

provide a flexible method to retrieve information from the source in an efficient manner.

13.   As per claim 2, Anderson discloses contains a query string containing both information

extracted from the abstract request, and data extracted from said profile [col 5, lines 11-37].

Anderson does not specifically disclose aggregate request conforms to the Hypertext Transfer

Protocol (HTTP). Christianson discloses aggregate request conforms to the Hypertext Transfer

Protocol (HTTP) [col 11, lines 1-14; and col 17, lines 61-col 18, lines 5]. It would have been

obvious to a person skill in the art at the time the invention was made to combine the teaching of

Anderson and Christianson because the teaching of Christianson would allow to provide a

standard so that information can be transmitted or displayed properly to maintain its integrity.

14.   As per claim 3, Anderson discloses profile data that are representative of platform

configuration [i.e. system profile] [col 5, lines 14-17], and are extracted from information

available at the Basic Input Output System (BIOS) level [col 6, lines 45-48].

15.   As per claim 4, Anderson discloses profile data are collected by means of interrogation of standardized systems management interfaces present in the client computer [col 9, lines 39-42].

16.   As per claim 6, Anderson discloses local profile contains data personal to a particular user [i.e. user preference] [col 1, lines 23-27].

17.   As per claim 7, Anderson does not specifically disclose local agent receives the response from said corresponding server under the form of a Hypertext Markup Language (HTML) page, and pushes it to a web browser for allowing the completion of the transaction between the user and the server. Christianson discloses local agent [col 4, lines 27-33] receives the response from said corresponding server under the form of a Hypertext Markup Language (HTML) page, and pushes it to a web browser for allowing the completion of the transaction between the user and the server [col 6, lines 16-43]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Anderson and Christianson because Christianson's teaching would provide an interface that is portable to be used in any computer system.

18.   As per claim 8, Christianson discloses regularly downloading a list of servers to which the abstract requests can be mapped thereby permitting modification of the offers that can be made to the user [col 7, lines 35-58; and col 13, lines 14-22].

19.   As per claim 9, Christianson discloses the abstract request is formulated in a natural

language and a natural language analyzer is employed to process the request [col 16, lines 36-

col 17, lines 32].

20.   As per claim 10, it is rejected for similar reasons a stated above in claim 1. Furthermore,

Anderson discloses detecting a condition of insufficient resources [col 12, lines 40-46].

21.   As per claim 11, it is rejected for similar reasons as stated above in claim 1.

22.   As per claim 12, it is rejected for similar reasons as stated above in claim 7.

23.   As per claim 13, Anderson discloses the local agent is preloaded and arranged to execute

when the computer is booted [col 1, lines 39-48].

24.   As per claim 14, it is program product claimed of claim 1, it is rejected for similar

reasons as stated above in claim 1.

25.   As per claim 15, it is program product claimed of claim 7, it is rejected for similar reason

as stated above in claim 7.

26.   As per claim 17, it is rejected for similar reasons as stated above in claims 1, 7, and 8.

Furthermore, Christianson discloses a list server for providing a list of services and one or more

rules applicable to said services [i.e. wrappers] [col 7, lines 45-55].

27.   As per claim 18, it is rejected for similar reasons as stated above in claims 1 and 3.

Furthermore, Anderson discloses information regarding the local computer's hardware and/or

software configuration [i.e. system profile] [col 5, lines 15-17].

28.   As per claims 19-21, they are rejected for similar reasons as stated above in claims 2-4.

29.   As per claims 23, 24, they are rejected for similar reasons as stated above in claims 8 and

9.

30.   As per claim 25, it is rejected for similar reasons as stated above in claims 10.

31.   Claims 5, 16 and 22, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Anderson et al. [US Patent No 6,578,142], in view of Christianson et al. [US Patent No

6,102,969], and further in view of Warwick et al. [US Patent No 6,598,169].

32.   As per claim 5, Anderson and Christianson do not specifically disclose profile parameters

are collected by means of an interrogation via the Distributed Management Interface (DMI) or

Window Management Interface (WMI). Warwick discloses profile parameters are collected by

means of an interrogation via the Distributed Management Interface (DMI) or Window

Management Interface (WMI) [Abstract]. It would have been obvious to a person skill in the

art at the time the invention was made to combine the teaching of Anderson, Christianson and

Warwick because Warwick's teaching would provide an interface for mapping of data from

diverse data sources in a common, normalized and logically organized way, and enables

correlation and associations between the management data regardless of type, content, or source

of origin [Warwick, col 2, lines 15-23].

33.   As per claim 16, it is rejected for similar reasons as stated above in claims 1 and 5.

34.   As per claim 22, it is rejected for similar reasons as stated above in claim 5.

35.   Applicant's arguments with respect to claims 1-25 have been considered but are moot in

view of the new ground(s) of rejection.

36.   A shortened statutory period for response to this action is set to expire **3 (three) months

and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for

response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P
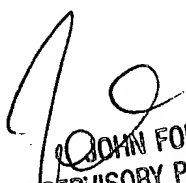
710.02, 710.02(b)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Follansbee John can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Dustin Nguyen
Examiner
Art Unit 2154